

## CHAPTER 119: ALCOHOLIC BEVERAGES

### SECTION

#### ARTICLE I: GENERAL

- 119.001 Definitions
- 119.005 Severability

#### ARTICLE II: LOCAL LIQUOR CONTROL COMMISSION

- 119.201 Mayor Designated Local Liquor Control Commissioner
- 119.205 Powers and Duties
- 119.210 Local Liquor Control Commission

#### ARTICLE III: LICENSES

- 119.300 Local Liquor License Required
- 119.305 Classification of Local Liquor Licenses
- 119.310 Application for License
- 119.315 Investigation of Applicant
- 119.320 Approval or Denial of Application
- 119.325 Expiration of Licenses
- 119.330 Number of Licenses
- 119.335 Records and Reports
- 119.340 License is Personal Privilege
- 119.345 License Amendments
- 119.350 License Fees

#### ARTICLE IV: INSURANCE AND TRAINING

- 119.401 Dram Shop Insurance
- 119.410 Responsible Alcohol Service Training

#### ARTICLE V: SALES

- 119.501 Sales Restricted to Authorized Premises
- 119.510 Sanitary Requirements
- 119.515 Sales Within Restaurants
- 119.516 Sales Within Theaters
- 119.520 Hours of Business
- 119.525 Sales to Minors
- 119.530 Sales by Persons Under Age
- 119.535 Consumption or Possession of Alcoholic Beverages by Minors
- 119.540 Sales on Credit
- 119.545 Access to Unlicensed Premises
- 119.550 Special Events
- 119.555 Sales Promotions
- 119.560 Giveaways and Tastings

- 119.565 Sales by Gasoline Fuel Stations
- 119.570 Transportation Signage
- 119.575 Identification Books
- 119.580 Beer Kegs

#### ARTICLE VI: ENFORCEMENT

- 119.601 Violations and Penalties
- 119.605 Enforcement Procedure
- 119.610 Local Liquor Control Commission Hearings
- 119.615 Appeals
- 119.620 Automatic Revocation
- 119.625 Forfeiture of Fees

#### ARTICLE I GENERAL

##### Sec. 119.001 Definitions.

Wherever the following words or phrases are used, they shall, for purposes of this Chapter, have the meanings ascribed to them in this Section 119.001, except when the context otherwise indicates. All words or phrases not defined in this Chapter shall have the meanings ascribed to them in the Liquor Control Act.

(A) Alcohol - The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, including, without limitation, synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.

(B) Alcoholic liquor - Any alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage of a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, or to any liquid or solid containing not more than one-half of one percent of alcohol by volume.

(C) BASSET Program – A Beverage Alcohol Sellers and Servers Education and Training program licensed by the State of Illinois Liquor Control Commission pursuant to Sections 3-12(a)(11.1) and 6-27 of the Liquor Control Act and 77 Ill. Admin. Code 3500.101 *et seq.*, as may be amended.

(D) Beer - A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, including, without limitation, beer, ale, stout, lager beer, and porter.

(E) Beer Keg – A brewery-sealed, single container containing two or more gallons of beer and requiring a tap or other mechanical device for the removal of the beer.

(F) Club - A corporation organized under the laws of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees for cooking, preparing and serving food and meals for its members and their guests.

(G) Distributor - Any person, other than a manufacturer or non-resident dealer of alcoholic liquors licensed pursuant to the Liquor Control Act, who is engaged in the State of Illinois in purchasing, storing, possessing or warehousing of alcoholic liquors for resale or reselling at wholesale, whether within or without the State.

(H) Gasoline Fuel Station – “Gasoline Fuel Station” shall have the meaning set forth in Section 150.202 of Chapter 150 of the City Code.

(I) Hotel – “Hotel” shall have the meaning set forth in Section 150.202 of Chapter 150 of the City Code.

(J) Liquor Control Act - The Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, as may be amended.

(K) Original package - Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

(L) Permit Tag – A tag or label containing a unique identification number furnished by the Local Liquor Control Commission that enables the identification of the seller and the purchaser of a Beer Keg.

(M) Restaurant - Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, at tables, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve to its customers or guests, complete meals, including dinner or luncheon menus, at which the service of alcoholic beverages is incidental and complementary to the service of meals.

(N) Sale - Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

(O) Sale at retail, sell at retail - Sales for use or consumption and not for resale in any form.

(P) Shareholder – Any person, firm or corporation that owns or controls five percent or more of a corporation, partnership, or other business entity.

(Q) Special Event – "Special Event" shall have the meaning set forth in Section 118.665 of Chapter 118 of this Code.

(R) Spirits - Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, including, without limitation, brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(S) TIPS Program – A Training for Intervention Procedures training program for the responsible service, sale, and consumption of alcohol.

(T) Wine - Any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including, without limitation, such beverages when fortified by the addition of alcohol or spirits.

Sec. 119.005 Severability.

If any provision of this Chapter is held invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and context of this Chapter to the greatest extent permitted by applicable law.

ARTICLE II  
LOCAL LIQUOR CONTROL COMMISSION

Sec. 119.201 Mayor Designated Local Liquor Control Commissioner.

The City Mayor is hereby designated as the Local Liquor Control Commissioner in and for the City of Highland Park.

Sec. 119.205 Powers and Duties.

(A) The Local Liquor Control Commissioner is charged with the administration within the City of: (1) the appropriate provisions of this Chapter; and (2) all ordinances, resolutions, statutes, laws, rules, and regulations relating to alcoholic liquor and applicable within the City.

(B) The Local Liquor Control Commissioner shall have the following powers and duties:

(1) To enter, or to authorize any law enforcement officer or peace officer to enter, at any time upon any premises licensed pursuant to this Chapter to determine whether any of the provisions of this Chapter or any other applicable statutes, ordinances, laws, rules or regulations have been or are being violated, and at the time of such entry to examine such premises in connection therewith;

(2) To receive complaints from any citizen of the City that any of the provisions of this Chapter or of the Liquor Control Act, or any rules or regulations adopted pursuant thereto, or any other applicable rules or regulations, have been or are being violated, and to act upon such complaints in the manner set forth in this Chapter;

(3) To grant or deny any application for the issuance or renewal of a local liquor license, in accordance with the provisions set forth in this Chapter; and

(4) To perform all other duties required pursuant to the Liquor Control Act.

Sec. 119.210 Local Liquor Control Commission.

(A) Establishment of Commission. There is hereby established a Local Liquor Control Commission of the City of Highland Park, consisting of: (1) the Local Liquor Control Commissioner; and (2) two members of the City Council, to be appointed by the Local Liquor Control Commissioner.

(B) Authority and Jurisdiction. The Local Liquor Control Commission is hereby authorized, empowered, and directed to:

(1) Promulgate rules and regulations reasonably required to enforce the provisions of this Chapter;

(2) Adopt, distribute, and process all notices as may be required pursuant to this Chapter, or as may reasonably be required to carry out the purposes of this Chapter;

(3) Hear testimony and accept evidence that is relevant to the allegation of a violation of this Chapter;

(4) Issue subpoenas directing witnesses to appear and give relevant testimony at a public hearing of the Local Liquor Control Commission, upon the request of the parties or their representatives;

(5) Preserve and authenticate the record of the hearing, including all exhibits and evidence introduced at the hearing;

(6) Issue a determination, based on the evidence presented at the hearing, on whether a violation of this Chapter occurred or exists; and impose penalties consistent with the applicable provisions of this Chapter and/or require the local liquor licensee to take corrective measures to cure the violation, upon finding a local liquor licensee liable for the charged violation; and

(7) Postpone or continue a defendant's hearing to a later date.

(C) The Local Liquor Control Commission may appoint one or more persons to assist in the exercise of all of the powers and the performance of the duties of the Local Liquor Control Commission.

### ARTICLE III LICENSES

#### Sec. 119.300 Local Liquor License Required.

(A) No person, firm, or corporation shall sell at retail or offer for sale at retail any alcoholic liquor in the City except in the manner authorized by, and in compliance with, the terms, conditions, and restrictions of this Chapter and of a valid local liquor license issued pursuant to this Chapter.

(B) No person, firm or corporation shall sell or offer for sale at retail any alcoholic liquor at any location within the City without first having obtained a valid local liquor license issued by the City pursuant to this Chapter for each such location.

(C) Where two or more locations, places, or premises are under the same roof but separated by any area not under the local liquor licensee's control and open to the general public, or at the same street address but separated by any area not under the local liquor licensee's control and open to the general public, a separate local liquor license shall be obtained for each such location, place, or premises; except that this Section 119.300(C) shall not be deemed or interpreted as prohibiting a Class H local liquor licensee from serving alcoholic liquor to its registered guests in any room or part of its hotel, if such alcoholic liquor is kept in and served from a licensed location, place, or premises within the hotel.

(D) Nothing in this Chapter shall be deemed or interpreted as prohibiting, and no local liquor license shall be required for, the following:

(1) The possession and transportation of alcoholic liquor by the possessor for the personal use of the possessor, his or her family, or guests at least 21 years of age;

(2) The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his or her family, and guests at least 21 years of age;

(3) The possession or use of alcoholic liquor (a) by a duly licensed practicing physician or dentist in the strict practice of his or her profession, or (b) by any hospital or other institution caring for sick or diseased persons for the treatment of bona fide patients of that hospital or institution;

(4) The possession or use of alcoholic liquor by a drugstore employing a licensed pharmacist, in the concoction of prescriptions of duly licensed physicians; and

(5) The possession or dispensation of wine by an authorized representative of any religious institution for the purpose of conducting any bona fide rite or religious ceremony.

Sec. 119.305 Classification of Local Liquor Licenses.

There shall be the following classes of local liquor licenses:

(A) Class B licenses, which shall authorize the retail sale of beer as part of brew-it-yourself beer-making classes, parties, events, demonstrations, and similar activities, all of which attended exclusively by persons at least 21 years of age, offered to the retail purchasers for a fee, which retail sale may include: (1) tastings of beer that has been brewed on the premises; (2) storage on the premises of beer during its fermentation process; and (3) delivery of finished beer to the purchaser for consumption off the premises. **(Ord. 77-13, J. 39, p. 238-239, passed 07/22/13)**

(B) Class C-1 licenses, which shall authorize the retail sale of alcoholic liquor to members of clubs or similar organizations, or their guests, for consumption on the premises where sold only, by either:

(1) Clubs that (a): are organized under the laws of this state not for pecuniary profit; (b) own, or occupy under a lease having a definite term of more than one year, a parcel of real property not less than 10 acres; and (c) require the payment of annual dues from each of its members of more than \$100; or

(2) Corporate entities that: (a) are organized under the laws of the State of Illinois solely for the promotion of musical performance; (b) are kept, used, and maintained by its members, through the payment of annual

dues; and (c) own, hire, or lease a building or space in a building located within the I Light Industry Zoning District of the City. The sale of alcoholic liquor by such a corporate entity pursuant to a Class C-1 license must be incidental and complimentary to the sale and service of food. **(Ord. 97-13, J. 39, p. 335-337, passed 09/23/13)**

(C) Class C-2 licenses, which shall authorize the retail sale of alcoholic liquor to members of clubs or their guests, for consumption on the premises where sold only, by clubs that are organized: (1) under the laws of this state not for pecuniary profit; and (2) primarily for charitable, service or fraternal purposes.

(D) Class D special event licenses, which shall authorize the retail sale of alcoholic liquor by an educational, political, civic, fraternal, religious, or other non-profit organization, at a Special Event, for consumption within the area specifically designated in such license only, which Class D license shall not be valid for a period exceeding 48 consecutive hours.

(E) Class F licenses, which shall authorize the retail sale of alcoholic beverages by a concessionaire whose concession, and the space to operate the concession, is sanctioned and afforded by a Class RF licensee, only within a premises for which a Class RF license has been issued pursuant to this Chapter.

(F) Class G licenses, which shall authorize the retail sale of alcoholic liquor at, and by the proprietor of, seasonal golf dome facilities having seating accommodations at tables or booths for not more than 50 persons, not including seating accommodations at bars or counters. The sale of alcoholic liquor pursuant to a Class G license must be incidental and complementary to the golf practice facilities and services and to the sale and service of food or meals in conjunction therewith, and the alcoholic liquor may only be consumed on the premises where sold. Class G licenses shall be valid only from January 1 through April 30 and from October 1 through December 31 of any given calendar year.

(G) Class H licenses, which shall authorize the sale of alcoholic liquor by hotels, whether for consumption or in its original package, to guests of the hotel, in the rooms occupied by such guests on such premises or within common areas of the hotel specifically designated for the consumption of food and beverages that are under the exclusive control and supervision of the Class H licensee. Additional liquor licenses shall be required for each lounge or restaurant located on any premises (1) for which a Class H licensee has been issued pursuant to this Chapter, and (2) within which there are any common areas (including, without limitation, lobbies and/or hallways) that are not under the exclusive control and supervision of the Class H licensee. **(Ord 20-13, J. 39, p. 32-33, passed 02/11/2013)**

(H) Class PD licenses, which shall authorize the retail sale of alcoholic beverages on the premises of property owned (or controlled) and

operated by a park district having a population of less than 500,000 inhabitants and organized under the provisions of the Illinois Park District Code, 70 ILCS 1205/1-1 *et seq.*, as amended, for consumption on the premises where sold only.

(I) Class Q licenses, which shall authorize the retail sale of alcoholic liquor, for consumption on the premises where sold only, in connection with a private function that is not open to the general public. The sale of alcoholic liquor pursuant to a Class Q license must be incidental and complimentary to the sale and service of food, and the ownership and operation of the licensed premises must be in common with a restaurant that is located in the same building as, or not more than 500 feet from, the licensed premises. Class R-1 and Class R-2 local liquor licensees shall not be required to obtain a separate Class Q license for sales of alcoholic liquor in connection with a private function that is not open to the general public and located on a premises for which a Class R-1 or Class R-1 license has been granted.

(J) Class R-1 licenses, which shall authorize the retail sale of alcoholic liquor by restaurants. The sale of alcoholic liquor pursuant to a Class R-1 license must be incidental and complementary to the sale and service of food, and the alcoholic liquor may only be consumed on the premises where sold.

(K) Class R-2 licenses, which shall authorize the retail sale of beer and wine by restaurants. The sale of beer and wine pursuant to a Class R-2 license must be incidental and complementary to the sale and service of food, and the beer and wine may only be consumed on the premises where sold.

(L) Class RF licenses, which shall authorize a corporation that is organized bona fide under the laws of this state not for pecuniary profit and primarily for the public presentation of musical art to permit concessionaires who hold a Class F local liquor license to sell and offer for sale at retail alcoholic beverages upon, and to permit business invitees to carry previously purchased alcoholic beverages onto, the licensed premises.

(M) Class S-1 licenses, which shall authorize the retail sale of alcoholic liquor, in the original package, for consumption off the premises where sold only, and not for consumption on the premises where sold.

(N) Class S-2 licenses, which shall authorize the retail sale of beer and wine, in the original package, for consumption off the premises where sold only, and not for consumption on the premises where sold.

(O) Alcoholic Liquor Tasting Licenses, which shall authorize a Class S-1 or Class S-2 local liquor licensee to give away alcoholic liquor for tasting purposes only on the licensed premises, subject to the terms and conditions set forth in Section 119.560 of this Chapter.

(P) Class T licenses, which shall authorize the retail sale of alcoholic liquor within premises for which the principal use is either an indoor motion picture theater or live stage performance theater, for consumption only on the premises where sold. **(Ord 20-13, J. 39, p. 32-33, passed 02/11/2013)**

Sec. 119.310 Application for License.

(A) New Applicants. An applicant for a new local liquor license shall file an application therefor with the City Clerk, on a form provided by the City, which application shall include, without limitation, the following information:

(1) The name, address, date of birth, place of birth, driver's license number, telephone number, and country of citizenship of all officers, directors, partners, managers, and shareholders of the applicant business;

(2) For all officers, directors, partners, managers, and shareholders of the applicant business who are naturalized citizens of the United States, the date and place of naturalization;

(3) A photocopy of the driver's license or other state-issued identification for all officers, directors, partners, managers, and shareholders of the applicant business;

(4) The character of business of the applicant, and the length of time that the applicant has been in business of that character;

(5) The amount of goods, wares, and merchandise on hand at the time of application;

(6) The location and description of the premises or place of business at which the applicant proposes to sell alcoholic liquor;

(7) A statement of whether the proposed location is owned or leased by the applicant, and, if the applicant does not own the proposed location, a copy of the lease;

(8) A statement of whether the applicant, or any other person involved directly or indirectly in the applicant's business, is an elected public official or law enforcement officer;

(9) [Reserved] **(Ord. 97-13, J. 39, p. 335-337, passed 09/23/13)**

(10) A statement of whether the applicant, or any director, officer, partner, manager, or shareholder thereof, has ever been convicted of: (a) a felony under the laws of the State of Illinois or the United States; or (b) a violation of any federal or state law or local ordinance concerning the manufacture, possession, or sale of alcoholic liquor;

(11) A statement of whether the applicant, or any director, officer, partner, manager, or shareholder thereof, possesses a current Federal Wagering or Gambling Device Stamp, or a current State or City bingo or charitable games license; and, if so, the reasons therefor;

(12) A statement of whether the applicant has filed an application for a liquor license on premises other than those described in the application, and the disposition of that application;

(13) A statement of whether a liquor license issued by any state or subdivision thereof, or by the Federal government, has been previously revoked, and, if so, the reasons therefor;

(14) A certificate of insurance, demonstrating proof of dram shop insurance coverage covering the period for which the requested local liquor license will be effective, as required pursuant to Section 119.401 of this Chapter;

(15) For corporate applicants, a copy of the State of Illinois certificate of incorporation, and, if incorporated in a state other than Illinois, the date that the applicant became qualified under the Business Corporation Act of 1983, 805 ILCS 5/1.01 *et seq.*, to do business in Illinois;

(16) For applicants for a Class F local liquor license, a copy of the applicant's concession agreement;

(17) A notarized affidavit, signed by an authorized representative of the applicant and in a form acceptable to the Corporation Counsel, stating that:

(a) The applicant, and all directors, officers, partners, managers, and shareholders thereof, have not received or borrowed money or anything else of value, and will not receive or borrow money or anything else of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days, or as otherwise permitted pursuant to the Liquor Control Act), directly or indirectly from any manufacturer, importing distributor or distributor of alcoholic liquor, or from any officer, manager, agent, representative, or family member thereof;

(b) The applicant has not been a party in any way, directly or indirectly, to any violation of the Liquor Control Act by a manufacturer, distributor or importing distributor;

(c) The applicant, and all directors, officers, partners, managers, and shareholders thereof, are not disqualified to receive a local liquor license by reason of any provision of this Chapter, the laws of this State, or the ordinances of the City;

(d) The applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance of the City in the conduct of the applicant's place of business, including, without limitation, the responsible alcohol service training requirements set forth in Section 119.410 of this Chapter;

(e) The applicant has paid all taxes due and owing to the City as of the date of the application;

(f) The applicant may be held liable for any violation of this Chapter by an officer, director, manager, or employee of the applicant, as set forth in Section 119.601(A)(2) of this Chapter;

(g) The issuance of a new or renewal local liquor license pursuant to this Chapter will not be deemed as vesting any right to the applicant, or to any partner, officer, director, manager, shareholder, agent, or employee thereof, of an additional local liquor license or to future local liquor licenses; and

(h) If the applicant is a club, no member, officer, agent, or employee of the applicant is paid or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests, beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club; and

(18) For all new applications, a non-refundable administrative application fee, in the amount set forth in the Annual Fee Resolution.

(B) Renewal Applications. A local liquor licensee may request the renewal of a local liquor license by filing an application therefor with the City Clerk, which application shall include, without limitation, the following:

(1) Any change in the information required pursuant to Section 119.310(A) of this Chapter that has occurred since the date of the local liquor license application filed by the applicant for the previous calendar year;

(2) The affidavit required pursuant to Section 119.310(A)(17) of this Chapter; and

(3) For all applications for a renewal local liquor license that are filed after December 1 of the last calendar year for which the applicant held a local liquor license, a late renewal application fee, in the amount set forth in the Annual Fee Resolution.

(C) Special Event Licenses. Notwithstanding any provision of this Section 119.310 to the contrary, the following provisions shall apply to all applications filed for a Class D local liquor license:

(1) The application must be filed no later than the date that is 14 days before the beginning of the Special Event for which the Class D license is sought;

(2) The application must include all information required pursuant to Section 119.310(A) or Section 119.310(B) of this Chapter, as the case may be, except that the applicant shall not be required to disclose any information or make any statement regarding its directors, except to the extent that a director is also an officer, partner, manager, or shareholder;

(3) The applicant shall identify the name, location, dates and times of the Special Event for which the Class D license is sought; and

(4) The applicant shall submit proof of its status as a not-for-profit organization.

Sec. 119.315 Investigation of Applicant.

(A) Investigation. Prior to issuance of a local liquor license, the City Chief of Police, or his or her designee, shall investigate the moral character and business responsibility of the applicant and all partners, officers, managers, directors, shareholders, and agents thereof, as deemed necessary for the protection of the public health, safety, and order.

(B) Fingerprinting.

(1) As deemed necessary for the protection of the public health, safety, and order, the City Chief of Police, or his or her designee, shall, within 10 days after receipt of a complete application filed pursuant to this Chapter, take and record the fingerprints of (a) all partners, officers, managers, directors, shareholders, and agents of a new applicant for a local liquor license, and (b) all new partners, officers, managers, directors, shareholders, and agents of existing or renewal local liquor license applicants.

(2) The applicant shall pay to the Chief of Police, or his or her designee, a fingerprinting fee for each set of fingerprints taken, covering the administrative costs of all fingerprinting required pursuant to this Section 119.315(B), in the amount set forth in the Annual Fee Resolution

(C) Report. Within 30 days after receipt of a complete application filed pursuant to this Chapter, the Chief of Police shall certify to the Local Liquor Control Commission his or her recommendations as to whether or not a local liquor license should be issued to the applicant, together with a statement of the reasons therefor. The failure of the Chief of Police to

provide such recommendations and statement within 30 days after the date on which a complete application is filed, or such further time as the applicant may, in writing, agree, shall not be deemed as either a recommendation for or against the issuance of the requested local liquor license.

Sec. 119.320 Approval or Denial of Application.

(A) Approval. The Local Liquor Control Commissioner shall approve a local liquor license application, and issue a local liquor license to the applicant, upon the occurrence of each of the following:

(1) Receipt of a complete application for a new or renewal local liquor license, in accordance with Section 119.310 of this Chapter;

(2) Receipt of the recommendations and statement of the Chief of Police pursuant to Section 119.315 of this Chapter;

(3) The determination by the Local Liquor Control Commissioner that the application satisfies the standards and conditions set forth in this Article III; and

(4) Payment of the local liquor license fee for the specific class of local liquor license sought, in the amount set forth in the Annual Fee Resolution, which fee shall be reduced in proportion to the number of whole calendar months which have expired in the license year prior to the issuance of the local liquor license; **(Ord 97-13, J. 39, p. 335-337, passed 09/23/13)**

(B) Denial.

(1) Definition. For purposes of this Section 119.320(B) only, except as expressly provided otherwise, the term “applicant” shall include the entity or individual named on the application for a local liquor license, as well as all partners, officers, managers, directors, shareholders, and agents of the entity or individual that has applied for a local liquor license pursuant to this Chapter; except that the term “applicant” shall not include the directors of a not-for-profit organization that has applied for a Class D local liquor license pursuant to this Chapter.

(2) Mandatory Denial. The Local Liquor Control Commissioner shall deny any application for a new or renewal local liquor license that satisfies any of the following conditions:

(a) The applicant is a sole proprietorship of which the sole proprietor is not a resident of the City; except that this Section 119.320(B)(2)(a) shall not apply to a sole proprietorship that applies for a Class R-1 or a Class R-2 local liquor license for which the proprietor is actively engaged in the day-to-day conduct of the business;

(b) The applicant, if a sole proprietorship, or the day-to-day manager of the applicant, if a firm, partnership, corporation, or other business entity, is not a citizen of the United States;

(c) The applicant does not own the premises for which a local liquor license is sought, and does not have a lease for such premises for the full period for which the license is to be issued;

(d) Any law enforcing public official, or any member of the City Council, has a direct or indirect interest in the manufacture, sale, or distribution of alcoholic liquor in the City by the applicant; except that this Section 119.320(B)(2)(d) shall not be deemed or interpreted as prohibiting the issuance of a local liquor license to a bona fide not-for-profit club or charitable organization, owned and operated by its members, one or more of which members is a law enforcing public official or a member of the City Council;

(e) The applicant has been convicted of a gambling or related offense, in violation of Article 28 of the Illinois Criminal Code of 1961, 720 ILCS 5/28-1 *et seq.*, as amended;

(f) A federal wagering stamp has been issued by the federal government to the applicant or for the premises for which a local liquor license is sought, unless the applicant is eligible for a local liquor license pursuant to the Illinois Raffles Act, 230 ILCS 15/0.01 *et seq.*, or the Illinois Pull Tabs and Jar Games Act, 230 ILCS 20/1 *et seq.*;

(g) The applicant does not possess a valid policy for dram shop insurance covering the period for which a local liquor license is sought, as required pursuant to Section 119.401 of this Chapter;

(h) The application is for any premises used in whole or in part as a gasoline fuel station;

(i) The applicant is a club that has been in operation in the City for less than one year, as of the date of application;

(j) The applicant is the subject of a complaint received by the Local Liquor Control Commission from the Illinois Department of Revenue pursuant to Section 6-3 of the Liquor Control Act, alleging that the applicant has committed a violation of any tax statute administered by such Department;

(k) The applicant is a club of which any member, officer, agent, or employee is paid or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests, beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club;

(l) The application is for a Class D local liquor license, and the applicant has previously received Class D local liquor licenses authorizing the sale of alcoholic liquor for more than 15 days in the 12-month period preceding the date of application;

(m) The application is for any premises located within 100 feet of any religious institution, school, hospital, home for aged or indigent persons or veterans, their spouses or children, or any military or naval station; except that this Section 119.320(B)(2)(m) shall not apply to the following:

(i) Premises for which the principal use or business: (1) was established on or before, and has been continuous since, June 6, 1988; and (2) is not the sale at retail of alcoholic liquor;

(ii) The renewal of a local liquor license for the sale at retail of alcoholic liquor on any premises located within 100 feet of any religious institution occupied after the date of issuance of the original local liquor license, measured to the nearest part of any building used by the religious institution for worship services or educational programs;

(iii) The renewal of a local liquor license for the sale at retail of alcoholic liquor on any premises located within 100 feet of any school occupied after the issuance of the original local liquor license;

(iv) Religious institutions or private schools that sell alcoholic liquor at retail for limited periods during which groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors; or

(v) Institutions of higher learning; or

(n) The City has not taken and recorded all fingerprints of the applicant, or the applicant has not paid all required fingerprinting fees, as required pursuant to Section 119.315(B) of this Chapter.

(3) Permissive Denial. The Local Liquor Commissioner shall have the right, but not the obligation, to deny any application for a local liquor license that satisfies any of the following conditions:

(a) The application is for any premises, or is filed by any applicant, for which a license issued pursuant to this Chapter has been revoked;

(b) The applicant has been convicted of a violation of any federal or state law or local ordinance concerning the manufacture, possession, or sale of alcoholic liquor;

(c) The applicant has been convicted of a felony under the laws of the State of Illinois or the United States;

(d) The application is for any premises for which there exists a violation of Chapter 150 of this Code;

(e) The applicant is delinquent in the payment to the City of any tax or payment required pursuant to this Code; or

(f) The applicant is not of good character or reputation in the City or in the community in which the applicant resides.

Sec. 119.325 Expiration of License.

Every local liquor license issued pursuant to this Chapter, other than a Class D local liquor license, shall terminate on the 31st day of December following its issuance.

Sec. 119.330 Number of Licenses.

There shall be no limit to the number of local liquor licenses that may be issued by the Local Liquor Control Commissioner for each license class.

Sec. 119.335 Records and Reports.

(A) The City Clerk shall keep, or cause to be kept, a complete record of all local liquor licenses issued pursuant to this Chapter, and shall furnish the Director of Finance and Chief of Police each with a copy thereof.

(B) The City Clerk shall give written notice of the issuance or revocation of a local liquor license to the Director of Finance and City Chief of Police within two business days thereof.

(C) The Local Liquor Control Commissioner, at the request of the City Council, shall report to the City Council (1) all of his or her acts and doings in the enforcement of this Chapter, and (2) the date of collection and amount of all local liquor license fees paid pursuant to this Chapter.

(D) All local liquor licensees shall make their books and records available, upon reasonable notice, for investigation and control by any designee of either the Local Liquor Control Commission or the Illinois Liquor Control Commission.

Sec. 119.340 License is Personal Privilege.

(A) A local liquor license issued pursuant to this Chapter shall be purely a personal privilege, and shall not: (1) constitute property; (2) be subject to attachment, garnishment, or execution; (3) be alienable or transferable, voluntarily or involuntarily; or (4) be subject to being encumbered or hypothecated.

(B) A local liquor license issued pursuant to this Chapter shall not descend by the laws of testate or intestate devolution, but, except as provided in Section 119.345(A) of this Chapter, shall cease upon the death, insolvency, or bankruptcy of the licensee; provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased, insolvent, or bankrupt licensee after the death of the decedent, or after the insolvency or bankruptcy, until the expiration of the local liquor license, but in no event longer than six months after the death, bankruptcy, or insolvency of the local liquor licensee. The City Clerk shall refund that portion of the local liquor license fee paid pursuant to Section 119.320(A)(4) of this Chapter for any period in which the local liquor licensee is prevented from operating pursuant to this Section 119.340(B).

Sec. 119.345 License Amendments.

(A) Changes in Personnel.

(1) Any change in the information required pursuant to Section 119.310(A)(1) of this Chapter regarding the partners, officers, directors, managers, or shareholders of a local liquor licensee shall be reported in writing to the Local Liquor Control Commissioner within 10 days after the change. All new partners, officers, directors, managers and shareholders shall meet all of the standards of this Chapter and must otherwise qualify to hold a local liquor license. All changes in personnel shall be subject to review by the Local Liquor Control Commissioner.

(2) Upon any change regarding a local liquor licensee, or regarding any existing or new partner, officer, director, manager, or shareholder thereof, that causes the local liquor licensee to be ineligible for a local liquor license pursuant to this Chapter, the Local Liquor Control Commission shall hold a public hearing to consider revocation of the liquor license, in accordance with Article VI of this Chapter.

(B) Change in Location. The premises at which the sale at retail of alcoholic liquor is licensed pursuant to this Chapter may be changed only upon the prior written approval of the Local Liquor Control Commissioner, which approval shall not be granted unless the proposed new location is

suitable for the retail sale of alcoholic liquor pursuant to this Chapter and all other applicable statutes, ordinances, laws, rules, and regulations.

Sec. 119.350 License Fees.

(A) Fees for Replacement License. Any local liquor licensee that, during the term of its current license, applies for a new local liquor license that is intended to replace the current license, and not to supplement it, shall be required to pay only the prorated difference between the replacement local liquor license fee and the value of the current local liquor license fee. The City shall have no obligation to reimburse the licensee if the replacement local liquor license fee is less expensive than the current local liquor license fee.

(B) Refunds of Application Fees. Except as provided in Section 119.340(B) of this Chapter, the City shall have no obligation to refund any application fee paid pursuant to this Chapter to an applicant or local liquor licensee for any reason.

ARTICLE IV  
INSURANCE AND TRAINING

Sec. 119.401 Dram Shop Insurance.

All local liquor licensees shall carry dram shop insurance for the premises within which alcoholic liquor is sold, in a minimum amount of \$1,000,000 per occurrence. The dram shop insurance coverage shall name the City and its elected and appointed officers, agents, employees, and officials as additional insured parties.

Sec. 119.410 Responsible Alcohol Service Training.

(A) Responsible Alcohol Service Training Required.

(1) Each manager of a local liquor licensee, and each employee of a local liquor licensee who will be engaged in selling, mixing, preparing, serving or delivering alcoholic liquor to customers, guests or patrons for consumption on the licensed premises, shall, within 10 days after the manager or employee begins employment with the local liquor licensee, successfully complete either a BASSET program or an on-premises TIPS program.

(2) Each manager of a local liquor licensee, and each employee of a local liquor licensee who will be engaged in selling, mixing, preparing, serving, or delivering alcoholic liquor to customers, guests, or patrons for consumption off the premises shall, within 10 days after the manager or employee begins employment with the local liquor licensee, successfully complete an off-premises TIPS program.

(B) Proof of Training. Each local liquor licensee shall maintain on the licensed premises proof of completion by each manager and employee of the local liquor licensee of the training required pursuant to this Section 119.410, in a manner that will allow inspection, upon demand, by any full-time, part-time, or auxiliary City police officer or by any designee of either the State of Illinois Liquor Control Commission or the Local Liquor Control Commission.

(C) Restrictions on Sales by Untrained Personnel.

(1) No person shall sell, mix, prepare, serve, or deliver alcoholic liquor in the City, for consumption on the licensed premises, unless that person has successfully completed a BASSET or TIPS program, as required pursuant to Section 119.410(A) of this Chapter; except that a person may sell, mix, prepare, serve, or deliver alcoholic beverages: (a) within 10 days after that person begins employment with the licensee; and (b) under the direct supervision of a manager or employee of the local liquor licensee that has successfully completed a BASSET or TIPS program.

(2) No local liquor licensee shall sell, serve, or deliver any alcoholic liquor at any time at which there is not physically present on the licensed premises a manager or employee of the local liquor licensee who has successfully completed a BASSET or TIPS program as required pursuant to Section 119.410(A) of this Chapter.

(D) Any person who attends a program provided by the City Department of Police for the responsible alcohol service training required pursuant to this Section 119.410 shall pay a program fee in the amount set forth in the Annual Fee Resolution. (**Ord. 77-09, J. 35, p. 304-308, passed 12/14/09**)

ARTICLE V  
SALES

Sec. 119.501 Sales Restricted to Authorized Premises.

(A) Determination of Premises.

(1) Except as provided in Section 119.501(A)(2) of this Chapter, a local liquor license shall permit the sale of alcoholic liquor only in or from the premises described in the local liquor license, and only in the manner therein authorized and in compliance with the terms thereof.

(2) Notwithstanding Section 119.501(A)(1) of this Chapter to the contrary, a local liquor licensee may sell alcoholic liquor at a location other than the premises described in the local liquor license, in accordance with the following:

(a) The licensee shall submit a request for off-premises sales to the City not later than the date that is seven days prior to the event at which the licensee proposes to conduct off-premises sales, which request shall include, without limitation: (i) the dates and times of the proposed off-premises sales, and (ii) a statement of authorization by the owner or operator of the event at which the licensee proposes to conduct off-premises sales.

(b) The City Clerk shall forward the request for off-premises sales to the Local Liquor Control Commissioner, who may approve or deny the request in his or her sole discretion.

(c) The City Clerk shall notify the Chief of Police of all requests for off-premises sales that are approved pursuant to this Section 119.501(A)(2).

(d) All off-premises sales approved pursuant to this Section 119.501(A)(2) may be conducted only upon receipt of, and in strict compliance with, a special use permit license issued by the State pursuant to the Liquor Control Act.

(B) Outdoor Dining Areas. For purposes of this Chapter, the “licensed premises” of a Class R-1 or Class R-2 local liquor licensee shall include, without limitation, any portion of a public or private right-of-way for which the licensee has obtained a separate license from the City pursuant to Section 150.408(B) of Chapter 150 of the City Code for the maintenance of a temporary outdoor dining area as an accessory use.

#### Sec. 119.510 Sanitary Requirements.

All premises used for the retail sale or storage of alcoholic liquor shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the provisions of the City Code regulating the condition of premises used for the storage and sale of food for human consumption.

#### Sec. 119.515 Sales Within Restaurants.

(A) Size of Bar and Lounge Areas Limited. No Class R-1 or Class R-2 local liquor licensee may maintain within the licensed premises a bar or lounge area containing more than 25% of the total number of seats located within the entire licensed premises.

(B) Sales to Waiting Patrons. Notwithstanding any provision of this Chapter to the contrary, a Class R-1 local liquor licensee may sell alcoholic liquor, and a Class R-2 local liquor licensee may sell beer and wine, to dining patrons waiting to be seated at tables for the service of food, at a bar or within a lounge located within the licensed premises.

#### Sec. 119.516 Sales Within Theaters.

No alcoholic liquor shall be sold or offered for sale by a Class T local liquor licensee within a theater except in accordance with the following:

A. Alcoholic liquor may only be sold or offered for sale within the lobby area of the theater. No alcoholic liquor may be sold or offered for sale within any seating area of the theater.

B. Not more than one beverage of alcoholic liquor may be sold to one person at one time. (Ord 20-13, J. 39, p. 32-33, passed 02/11/2013) **(Ord. 75-13, J. 39, p. 230-231, passed 07/22/13)**

Sec. 119.520 Hours of Business.

(A) It is unlawful to sell, or offer for sale, at retail any alcoholic liquor, for consumption on the premises, in the City between the hours of 1:00 a.m. and 6:00 a.m. on Monday through Friday, between the hours of 2:00 a.m. and 6:00 a.m. on Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday, except as follows:

(1) Between 1:00 a.m. and 2:00 a.m. on Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, and Christmas Day; and

(2) Between 1:00 a.m. and 3:00 a.m. on New Year's Day.

(B) It is unlawful to sell or offer for sale at retail any alcoholic liquor, in its original package for consumption off the premises, between the hours of midnight on Monday through Friday and 6:00 a.m. on the following day, from midnight on Saturday until 8:00 a.m. on the following Sunday, and from 11:00 p.m. on Sunday until 6:00 a.m. on the following Monday.

(C) Licensed premises may remain open for the sale of food or other products during the hours within which the sale of alcoholic liquor is prohibited pursuant to this Section 119.520; except that no alcoholic liquor may be sold to, or consumed by, the public during such hours.

(D) Notwithstanding any provision of this Chapter to the contrary, alcoholic liquor may be sold at retail in a restaurant at all times authorized pursuant to Section 119.520(A) of this Chapter, including, without limitation, after the time at which the local liquor licensee ceases for that night the sale or service of meals on the premises.

Sec. 119.525 Sales to Minors.

(A) Except as may be permitted pursuant to Chapter 135 of this Code, no person shall sell, give or deliver any alcoholic liquor to any person under the age of 21 years or to any intoxicated person; except that it shall not be a violation of this Section 119.525(A) if the person who sells, gives, or delivers alcoholic liquor to a person under the age of 21 years: (1) is shown, and relies upon, adequate written evidence of the age and identity of the person to whom the alcoholic liquor is sold, given, or delivered; and (2) does not know the written evidence to be false or fraudulent.

(B) In the event that a local liquor licensee, or agent or employee thereof, believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient is younger than 21 years of age, he or she shall, before making such sale or delivery, demand presentation of a valid, written, positive, government-issued identification containing proof of age.

(C) It is unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City at which alcoholic liquor is sold.

(D) No person under the age of 21 years shall possess, present, or offer false or fraudulent evidence of age or identity for the purpose of purchasing or obtaining any alcoholic beverage.

(E) No person shall transfer, alter, or deface an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information, for the purpose of purchasing or procuring alcoholic liquor.

(F) In any place in the City at which alcoholic liquor is sold, there must be displayed at all times, in a prominent place, a printed card, supplied by the City Clerk, that shall read substantially as follows:

**WARNING TO PERSONS UNDER TWENTY-ONE**

**YOU ARE SUBJECT TO A FINE UNDER THE ORDINANCES OF THE CITY OF HIGHLAND PARK IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.**

(G) It is unlawful for any parent or legal guardian who has legal custody and control over a person who is under 18 years of age to permit such person to violate any provision of this Section 119.525.

Sec. 119.530 Sales by Persons Under Age.

It is unlawful for any local liquor licensee, or manager, agent, employee, or representative thereof, to permit any person less than 21 years of age to sell, serve, prepare, mix, or deliver any alcoholic liquor in any licensed premises; except that employees of on-premises local liquor licensees that are at least 18 years of age may sell, serve, and deliver alcoholic liquor that has been prepared or mixed by a manager or employee of the local liquor licensee that is 21 years of age or older.

Sec. 119.535 Consumption or Possession of Alcoholic Beverages by Minors.

The consumption, purchase, or possession of alcoholic beverages by any person under 21 years of age is prohibited, except in accordance with and pursuant to (a) Section 119.530 of this Chapter, or (b) Chapter 135 of this Code.

Sec. 119.540 Sales on Credit.

Except for Class C-1, C-2, and H local liquor licensees with respect to members and registered guests, no local liquor licensee shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; except that this Section 119.540 shall not be deemed or construed to prohibit payment by credit card.

Sec. 119.545 Access to Unlicensed Premises.

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises from which there is direct access to any other portion of the same building or structure that is (a) used for dwelling or lodging purposes, and (b) permitted to be used, or kept accessible, for public use. This Section 119.545 shall not be deemed or interpreted to prohibit any connection between licensed premises and another portion of the building or structure used only by the licensee, his or her family, and personal guests.

Sec. 119.550 Special Events.

(A) General Requirements. No person, firm, or corporation shall sell, offer for sale, or dispense any alcoholic liquor at a Special Event located in the City except in compliance with the following:

(1) The seller shall obtain all liquor licenses required pursuant to this Chapter and the Liquor Control Act;

(2) No individual shall be permitted to purchase more than two alcoholic beverages at any one time;

(3) The quantity of alcoholic liquor within each beverage sold shall not exceed 12 ounces of beer, six ounces of wine, or one and one-half ounces of distilled spirits; and

(4) The seller shall comply with all applicable provisions of Chapter 118 of this Code. **(Ord. 75-13, J. 39, p. 230-231, passed 07/22/13)**

(B) Licenses. Notwithstanding any provision of this Chapter to the contrary, no Class C-1, C-2, F, G, R-1, or R-2 local liquor licensee shall be required to obtain an additional local liquor license for the sale of alcoholic liquor at a Special Event.

Sec. 119.555 Sales Promotions.

(A) All local liquor licensees shall maintain a schedule of prices for all drinks of alcoholic liquor to be served and consumed on the licensed premises.

(B) It is unlawful for any local liquor licensee, or any employee or agent thereof, to:

(1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except when selling or delivering wine by the bottle or carafe;

(2) Sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged to other purchasers of drinks on that day as a promotion to encourage consumption of alcoholic liquor, except as authorized pursuant to Section 119.555(C)(7) of this Chapter;

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for the game or contest on the licensed premises; or

(6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited pursuant to this Section 119.555(B).

(C) Notwithstanding Section 119.555(B) of this Chapter, a local liquor licensee may:

- (1) Offer free food or entertainment at any time;
- (2) Include drinks of alcoholic liquor as part of a meal package;
- (3) Include drinks of alcoholic liquor as part of a hotel package;
- (4) Negotiate drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention, or trade show;
- (5) Provide room service to persons renting rooms at a hotel;
- (6) Sell pitchers (or the equivalent, including, without limitation, buckets), carafes, or bottles of beer or wine which are customarily sold in such quantities and delivered to two or more persons at one time; or
- (7) Increase the prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled at the licensed premises.

(D) Notwithstanding any provision of this Chapter to the contrary, it is unlawful to sell or serve a bottle of any type of alcoholic liquor, other than beer or wine, to two or more persons at one time for consumption on the premises where sold, except at private functions not open to the public at which 10 or more persons are present.

Sec. 119.560 Giveaways and Tastings.

It is unlawful for any local liquor licensee to give away or otherwise dispense free of charge, by the drink or in any other manner, within the City, an alcoholic beverage with the intent of promoting the sale of an alcoholic beverage; except that a Alcoholic Liquor Tasting licensee may, without charge, give away or otherwise dispense free of charge alcoholic liquor in small and limited amounts for tasting purposes only, immediately prior and incident to the sale of alcoholic liquor in the original package for consumption off the premises pursuant to the terms of the Class S-1 or S-2 local liquor license, and in accordance with the following conditions and limitations:

(A) The tasting shall be attended and supervised at all times by a full-time or part-time manager or employee of the local liquor licensee;

(B) The total amount of alcoholic liquor tasted by any one individual may not exceed one ounce of distilled spirits, four ounces of wine, or 16 ounces of beer;

(C) A Class S-2 local liquor licensee shall not dispense any alcoholic liquor other than beer and wine; and

(D) The sample shall be served in a container which shall be disposed of following the sampling.

Sec. 119.565 Sales by Gasoline Fuel Stations.

No person, firm, or corporation licensed pursuant to this Chapter shall engage in the business of a gasoline fuel station on any portion of any licensed premises.

Sec. 119.570 Transportation Signage.

Each local liquor licensee, other than Class D, Class F, Class S-1, and Class S-2 licensees, shall post, at a conspicuous place within the licensed premises, a sign displaying the name and telephone number of at least one taxicab or other transportation company that provides transportation services within the City and the surrounding area at all times during which alcoholic liquor may be sold pursuant to Section 119.520 of this Chapter.

Sec. 119.575 Identification Books.

All local liquor licensees must maintain, at all times on the licensed premises, a federal or state government-issued book or booklet containing a description and depiction of valid identification cards.

Sec. 119.580 Beer Kegs.

No Beer Keg shall be sold in the City except in accordance with this Section 119.580.

(A) Permit Tags Required.

(1) A Permit Tag, in the manner and form provided by the City, shall be affixed to each Beer Keg purchased in the City.

(2) It is unlawful to remove, alter or destroy a Permit Tag.

(3) Any person possessing a Beer Keg shall cause the permit to be prominently displayed at all times. Except as provided in Section 119.580(F) of this Chapter, it is unlawful for anyone to possess within the City a Beer Keg that does not have a proper Permit Tag affixed.

(B) Security Deposit.

(1) The purchaser of a Beer Keg shall pay to the local liquor licensee a security deposit, in the amount set forth in the Annual Fee Resolution.

(2) The local liquor licensee shall retain all security deposits collected in connection with the sale of Beer Kegs in a separate account, and shall not commingle the security deposits with any other funds or monies.

(3) Upon return of the Beer Keg, with the Permit Tag properly affixed, the local liquor licensee shall refund the full amount of the security deposit to the purchaser of the Beer Keg.

(4) The security deposit for all Beer Kegs that are not returned within 60 days after the date of sale, with the Permit Tag properly affixed, shall be forfeited to the local liquor licensee.

(C) Requirements at Sale.

(1) Upon the sale of a Beer Keg, the local liquor licensee shall give the purchaser of the Beer Keg an informational pamphlet, to be provided by the Local Liquor Control Commission, regarding the responsible consumption of alcoholic beverages.

(2) At the time of sale of a Beer Keg, the local liquor licensee shall require the purchaser to sign an acknowledgement, on a form provided by the Local Liquor Control Commission, setting forth the provisions of this Section 119.580 and informing the purchaser that the security deposit will be forfeited if the keg is returned without the Permit Tag properly affixed. The local liquor licensee shall retain the acknowledgement for a period of 90 days after the date of sale.

(D) Return of Beer Kegs. All Beer Kegs must be returned to the local liquor licensee that sold the Beer Keg within 60 days after the date of sale, with the Permit Tag properly affixed. The local liquor licensee shall notify the City Police Department of all Beer Kegs that are not returned (a) within 60 days after the date of sale, or (b) with the Permit Tag properly affixed.

(E) Logbook.

(1) All local liquor licensees shall keep and maintain a logbook of all Beer Kegs sold, which shall be available for inspection by the City during normal business hours and which shall include, at a minimum, the following information:

(a) The identification number of the Permit Tag affixed to each Beer Keg sold;

(b) The date and time of purchase of each Beer Keg;

and

(c) The address, telephone number, driver's license/state identification number, date of birth, and signature of the party purchasing each Beer Keg.

(2) It is unlawful to knowingly make a false statement or a misstatement in the logbook with respect to any of the information required pursuant to Section 119.580(E)(1) of this Chapter.

(F) Beer Kegs Purchased Outside the City. The purchaser of a Beer Keg that is purchased outside the City but brought into the City shall retain proof of purchase of the Beer Keg, which proof of purchase shall include, without limitation, the name and address of the seller.

(G) Purchaser Liability. In the event that a Beer Keg is related to, or involved in any way in, the violation of this Chapter by any person, the violation shall also be deemed and held to be the act of the purchaser of the Beer Keg, which purchaser shall be punishable in the same manner as if the violation had been committed by the purchaser itself.

## ARTICLE VI ENFORCEMENT

### Sec. 119.601 Violations and Penalties.

(A) Fines.

(1) Any person who violates any provision of this Chapter, who makes a false statement in obtaining a local liquor license pursuant to this Chapter, or who violates a condition of a local liquor license granted pursuant to this Chapter, shall be fined not less than \$150 no more than \$1000, plus costs, for the first offense of this Chapter within a 12-month period, not less than \$250 nor more than \$1500, plus costs, for the second offense within a 12-month period, and not less than \$500 nor more than \$2500, plus costs, for the third and each subsequent offense within a 12-month period.

(2) Any violation of this Chapter by any officer, director, manager, or employee of a local liquor licensee shall also be deemed and held to be the act of the licensee, which local liquor licensee shall be punishable in the same manner as if the violation had been committed by the licensee itself.

(3) Each day on or during which any person violates any of the provisions of this Chapter shall constitute a separate and distinct offense.

(4) All fines and other monetary penalties imposed by the Local Liquor Control Commission shall be remitted to the City and deposited in either the Alcohol Education Fund or the general corporate fund of the City, at the direction of the Local Liquor Control Commission.

(B) Suspension and Revocation of Local Liquor License. The Local Liquor Control Commission may, at its discretion and in accordance with the procedures set forth in Section 119.610 of this Chapter, fine a local liquor licensee, or revoke or suspend any local liquor license issued pursuant to this Chapter, upon the occurrence of any of the following:

(1) Violation of any provision of this Chapter by a local liquor licensee, or any officer, director, manager, representative, agent or other employee thereof, while (a) engaged in activities in furtherance of the business of the local liquor licensee, or (b) on the licensed premises;

(2) Violation of any federal, state, county, or City statute, ordinance, law, rule or regulation pertaining to the sale of alcoholic liquor;

(3) Failure to pay any license fee or any tax imposed by any unit of government on alcoholic liquor or the sale thereof;

(4) Receipt by the Local Liquor Control Commission of a complaint of the Illinois Department of Revenue pursuant to Section 6-3 of the Liquor Control Act, alleging that the local liquor license has committed a violation of a tax statute administered by such Department;

(5) Issuance of a false statement in connection with obtaining a local liquor license pursuant to this Chapter;

(6) Violation of a condition of a local liquor license granted pursuant to this Chapter;

(7) Conviction of the applicant, or any officer, director, manager, or shareholder thereof, of a felony pursuant to any federal or state law; or

(8) Any change regarding a local liquor licensee, or regarding any existing or new partner, officer, director, manager, or shareholder thereof, that causes the local liquor licensee to be ineligible for a local liquor license pursuant to this Chapter.

(C) Additional Penalties. In addition to, or in lieu of, the penalties available pursuant to Sections 119.601(A) and 119.601(B) of this Chapter, the Local Liquor Control Commission shall have the right, but not the obligation, to:

(1) Require the local liquor licensee to reimburse the City for its third-party costs, including attorneys' fees, incurred in connection with the enforcement action before the Local Liquor Control Commission;

(2) Impose a penalty of community service and/or a penalty of probation; and/or

(3) Require the local liquor licensee to reimburse the City for the cost of publication, in a newspaper of general circulation in the City, of a public safety announcement that advocates for the safe and responsible service, possession, and consumption of alcoholic liquor.

Sec. 119.605 Enforcement Procedure.

(A) Enforcement Against Violator. All alleged violations of this Chapter shall be adjudicated by either the Administrative Hearing Officer, in accordance with Chapter 38 of this Code, or by a court of competent jurisdiction. The City shall determine, in its sole discretion, whether to adjudicate each alleged violation of this Chapter through the Administrative Hearing Office or through a court of competent jurisdiction.

(B) Enforcement Against Local Liquor Licensee. The Local Liquor Control Commission may conduct a hearing in accordance with Section 119.610 of this Chapter regarding any action to be taken or penalty to be imposed against a local liquor licensee for a violation of this Chapter that occurs at the licensed premises under the control of the local liquor licensee.

Sec. 119.610 Local Liquor Control Commission Hearings.

(A) Except as provided in Section 119.620 of this Chapter, no local liquor license shall be revoked or suspended, and no fines shall be assessed against a local liquor licensee pursuant to Section 119.605(B) of this Chapter, except after a public hearing held by the Local Liquor Control Commission in accordance with the following provisions:

(1) Written notice of the date, time, and place of, and the general reasons for, the hearing shall be transmitted to the local liquor licensee at the licensed premises by personal service, if possible, and/or by certified United States mail, affording the local liquor licensee an opportunity to appear and defend.

(2) No public hearing authorized by this Section 119.610 may be conducted less than three days prior to receipt by the local liquor licensee of the notice required pursuant to Section 119.610(A)(1) of this Chapter.

(3) The Local Liquor Control Commission shall hold the hearing at the date, time and place set forth in the notice, and shall give the licensee an opportunity to be heard.

(B) The Local Liquor Control Commissioner may, upon a reasonable belief that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, order a licensed premises closed for not more than seven days, pending a hearing on the suspension or revocation of the local liquor license: (1) upon the issuance of a written order stating the reason for such conclusion; and (2) without

notice or hearing, but with the consent of the members of the Local Liquor Control Commission. Any order issued pursuant to this Section 119.610(B) shall include the notice of public hearing required pursuant to Section 119.610(A)(1) of this Chapter. If the local liquor licensee is also engaged in the conduct of another business on the licensed premises, the order issued pursuant to this Section 119.610(B) shall not be applicable to the other business.

(C) Within 14 days of the public hearing, the Local Liquor Control Commission shall issue a written order setting forth any penalties to be assessed against or imposed upon the local liquor licensee, and the reasons therefor. A copy of the written order shall be served upon the local liquor licensee by personal service or by certified United States mail.

Sec. 119.615 Appeals.

(A) Pursuant to Section 7-9 of the Liquor Control Act, all appeals of orders or actions of the Local Liquor Control Commission shall be made to the Illinois Liquor Control Commission.

(B) Appeals to the Illinois Liquor Control Commission from an order or action of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings before the Local Liquor Control Commission, in accordance with City Resolution No. R14-95. In the event of such an appeal, the Local Liquor Control Commissioner shall file, or cause to be filed, with the Illinois Liquor Control Commission a certified official record, taken and prepared by a certified court reporter or certified shorthand reporter, of the hearing before the Local Liquor Control Commission, within five days after receipt of notice of such appeal and upon payment by the appellant of the cost of the certified official record.

Sec. 119.620 Automatic Revocation.

Notwithstanding any provision of this Chapter to the contrary, a local liquor license shall be terminated, automatically and without a public hearing, upon the conviction of the local liquor licensee, or any officer, director, manager, partner, or shareholder thereof, by any court of law or by the City Administrative Hearing Office of a willful violation of any of the provisions of the Liquor Control Act.

Sec. 119.625 Forfeiture of Fees.

Upon revocation of a local liquor license by the Local Liquor Control Commission pursuant to this Article VI, all fees paid by the local liquor licensee pursuant to this Chapter shall be forfeited.

(Note: Chapter 119 revised in toto by Ord. 56-72, J. 9. p. 630, passed 9/26/72; Chapter 119 revised in toto by Ord. 29-88, J. 17, p. 658-681, passed 6/6/88; Chapter 119 revised in toto by Ord. 46-08, J. 34, p. 164-196, passed 10/13/08 – **effective January 1, 2009**)